REPORT

OF THE

COMMITTEE

OF THE

SELECT AND COMMON COUNCILS

OF THE

CITY OF PHILADELPHIA,

RESPECTING

THE PROPOSED CANAL,

NEAR

THE WESTERN ABUTMENT

OF

THE PERMANENT BRIDGE

OVER THE

RIVER SCHUYLKILL.

PHILADELPHIA:
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No. 10, North Alley.
1831.

In Select Council, February 10*th*, 1831.

Resolved, by the Select and Common Councils, That a joint Committee, of three members of each Council, be appointed, to inquire and report, whether any interference or action, on the part of the Councils, is necessary, in relation to the contemplated formation of a Canal, at or near the western abutment of the permanent bridge over the river Schuylkill; and that they be authorized to call a special meeting of Councils, should they deem it necessary.

Select Council appointed Messrs. Duane, Massey, and Horn.

Common Council concurred, and appointed Messrs. Johnson, Wainwright, and Ryan.

Extract from the Minutes.

ARCHIBALD RANDALL,
Clerk of the Select Council.

REPORT.

The committee of the Select and Common Councils of Philadelphia, which was appointed on the 10th instant, to inquire and report, "Whether any interference or action, on the part of Councils, is necessary, in relation to the contemplated formation of a canal at or near the western abutment of the Permanent Bridge over the river Schuylkill," respectfully report:—

On the 25th of January last, a bill was read in the House of Representatives of Pennsylvania, entitled, "An act to authorize the Governor to incorporate a company to make a canal navigation round the western abutment of the Permanent Bridge over the river Schuylkill at the City of Philadelphia."

On the 31st of the same month, one of the city representatives transmitted a copy of this bill to the Presidents of the Select and Common Councils, who laid it before Councils at their next meeting, on the 10th instant, when your committee were appointed.

On the 15th instant, before any inquiry could be made or report presented, the bill above mentioned was passed by the house of representatives.

Your committee regret that a decision was not deferred in the house of representatives, if for no other reason, because whilst the bill was under its consideration, the discussion of its merits was unrestrained; but now that one branch of the legislature has decided, your committee feel a delicacy, which nothing but a decided sense of public duty on their part could control.

As soon as your committee were appointed, they impar-

tially sought for and obtained information, from those who seemed to be most anxious for the canal, we mean the owners of real estate, north of Vine street, on the Schuylkill eastern front, and from the Permanent Bridge Company, who, if not actually opposed to the canal, suggested such doubts as to its character and tendency, as to excite serious apprehensions. Each of those parties frankly admitted, that its course was to a certain degree influenced by considerations of private interest; but, at the same time, each asserted, and your committee are not disposed to deny, that a proper regard for the public welfare was a moving motive.

Your committee expressed their conviction, that Councils were anxious to promote every public work, likely to improve the city and adjacent districts, and that they would not suffer themselves to be influenced by any partial considerations or private results: that few public works could be made, without in some way or other affecting the interests of individuals, favourably or unfavourably: and that the question, which your committee would respectfully submit to Councils, would be—Whether the public benefits, likely to be derived from the proposed canal, would be of such a nature as to warrant the probable interruption and gradual disuse of the greatest highway in the United States?

This question your committee now respectfully submit. In considering it, they will, in the first place, observe, that judging from the bill before the legislature, no question seems to have been raised, in framing it, as to the effects of the proposed canal upon the public interests at large; it would appear, that two parties only were considered as vitally concerned, namely, the Permanent Bridge Company and the proposed canal company: those parties seem to have been negotiating, and to have gone to the le-

gislature, rather to sanction their compromise than to deliberate upon a work of deep interest to the whole community. For it will be found, that, when investigation is directed to be made, as to the probable effect of the canal, the inquiry is not to be, whether the public will suffer, but whether the safety and solidity of the bridge will be affected: and whenever penalties are to be recovered, for impediments or interruptions, those penalties are to be had by the bridge company. On these characteristics of the bill, no comment is needful: it is sufficient to say, that in the opinion of your committee, the measure has not been submitted to the legislature, in the way which its magnitude demanded. We do not inquire how many, or whether any, petitions were presented in favour of a work, which is stated to be so important; but, we beg leave to say, that, in our opinion, the friends of the measure should have, in the first place, asked the legislature to sanction a scientific and local inquiry and examination, as a preliminary step, in relation to such a work as does not exist, at least in the United States: and its friends should be able to point to any work elsewhere, of a similar description, introduced in a similar place, without public detriment: but, instead of any lights of this kind having been first shed upon a subject confessedly obscure, the legislature were at once asked to authorize an irresponsible company to construct a work, as if its usefulness was obvious, and as if no fears of injury could arise.

When your committee say, that the bill before the legislature contemplates the interruption of the greatest highway in the United States, they are sustained, as to the interruption, by the bill itself, and as to the nature of the highway, by the knowledge and observation of every one who is acquainted with Philadelphia and its vicinity.

The highway, which the bill proposes to sever, is not

only in effect a street of the City of Philadelphia, which must speedily be the scene of great business,—it is not merely the main link that connects Philadelphia with Pennsylvania—but it is the great medium of intercourse between the eastern states and the states west and south of Philadelphia.

Indeed, it is not possible, by mere description, to give an adequate conception of the vast importance of the highway west of the Permanent Bridge, comprehending the great Lancaster and Pittsburg turnpike road, the southern mail route, and various public avenues leading to the heart of Pennsylvania. Personal observation, at all seasons, and almost at all hours, satisfies your committee in designating this highway as the greatest in the United States, as one in which every part of Pennsylvania, and, perhaps, we might say, of the United States, has an interest.

At present, this great highway, and the connecting bridge, are not only in a condition, such as the interest of the nation, state, and city, demand; a condition perfectly safe and uninterrupted, but they are honourable monuments of the wisdom of Pennsylvania, and of the enterprise and public spirit of her citizens.

That any change, be it what it may, must render this great highway less safe and commodious than it at present is, must be admitted by all candid persons. Let it be remarked, then, that the bill before the legislature, in its prominent features, contemplates various sorts of interruption and obstruction, as the consequences of the proposed canal: it, in effect, proclaims, that interruption will be the necessary consequence, and then makes provision by penalties to prevent if possible that unhappy result. This is itself sufficient to cast the mantle of doubt around the project, if not to raise the arm of hostility against it. The proposition is, to give to a corporation,

with a capital of only 20,000 dollars, the power to cut asunder this great social artery; and then, after it shall have been cut, if damage shall ensue, another corporation, the bridge company, are permitted to sue for penalties—penalties, which the officers of that company, in the presence of your committee, asserted, without contradiction on the part of the friends of the canal, also present, could not be recovered by legal process!

It is not, indeed, to be fancied, that the many penalties, prescribed in the bill, were introduced without adequate motives: the house of representatives must have had such fears and doubts, as your committee entertain: of what use, then, let us ask, are all the provisions about penalties, even if those penalties could be recovered:—the evil will have been brought into operation; some may enter into litigation, soon to be abandoned with disgust; others may persevere, until loss of time and money shall swell the measure of their wrongs; and, in the meantime, confidence will be diminishing, other routes will be sought for and carefully pointed out, trade will be diverted from its natural channel, and that which is now at once a protection and an ornament, will become a scene of vexation and decay.

It is represented to your committee, it is true, that a new section was introduced into the bill, before it was passed by the house of representatives, reserving a power to the state, to abolish this canal if found pernicious to the public; but with deference, your committee must be allowed to say, that if, in any case, such legislation is correct, it cannot be so in relation to a measure of such magnitude as that under consideration. So fearful are the representatives of the people, that the project will be injurious—so seriously do they doubt, whether good or evil will result, that they deem it necessary to reserve the

right to abate the work as a public nuisance! Now, your committee conceive, that no charter ought to be granted, whilst such serious apprehensions exist; and that those apprehensions are well founded, your committee are convinced: the great interests of the public ought not to be hazarded, under an expectation that a nuisance may be removed: it will not be easy to abate such a nuisance, the stock may pass into the hands of widows and orphans, and many pungent reasons may be offered for claiming from the public treasury a remuneration for loss, which could not have been sustained under sound legislation; and, in the meantime, how could the public at large be redressed? when would confidence be restored, or trade and intercourse return?

Let it be observed, that the penalties and reservations referred to, are not the result of alarm excited by your committee: the bill, as solemnly passed by the house of representatives, merely confirms apprehensions entertained, although not expressed; it in truth loudly calls, not only on the citizens of Philadelphia, but on all those in Pennsylvania and elsewhere, who have an interest in the great highway, to arouse and reflect upon the nature and tendency of the proposed work.

Your committee, then, cannot err, in saying, that a measure of so doubtful a character is not warranted, unless some object of deep concern, if not of absolute necessity, to the public, is to be attained, and can in no other way be effected. It will not be seriously contended, that an existing and universally useful work should be put in jeopardy, to promote some local or partial object.

What, then, is the complaint? and what is the end to be accomplished?

It is complained, that vessels with masts cannot ascend above the Permanent Bridge. In the first place, those,

who make this complaint, have no hesitation in asking the legislature to impair a great public highway, guarantied by time and by law to the public—they do not stop to inquire, whether real estate east and west of the bridge will or will not be affected; they overlook the consideration, that vast investments have been made upon the confidence of the permanency of this great highway; and yet those, who thus overlook the rights and interests of others, evince a keen sensibility about their own alleged rights.

If, indeed, there was now, for the first time, a proposition before the legislature, to make a permanent bridge over the Schuylkill, and if those asking it showed utter indifference as to the rights and interests of the owners of property north of High street, those owners might with justice complain; for, it is indisputable, that an uninterrupted navigation, like an uninterrupted road, is preferable to one that is in any way obstructed: on this point, there could be no difficulty, were the question pending; but the case is quite different; a bridge of vast public utility has existed for above a quarter of a century; complaint, if correct, could have been made thirty years ago, when it was proposed; the legislature would not have sanctioned a public evil; as the connected bridge was sanctioned, it is fair to infer that no complaint was made, or navigation by vessels with masts insisted upon. Then, it is to be remarked, that few, if any of these who now complain of obstruction, owned their present property when the bridge was proposed or made: they purchased their lots with the obstructing bridge before their eyes; they bought them, subject to such incumbrance as the bridge created; and in paying for them, that incumbrance constituted a part of the price. It is not correct, therefore, to pretend, that any advantage was taken by the legislature, or by individuals, or that the present owners

were taken by surprise, or deprived of any right; nor is it fair to say, that the owners of property below the bridge have an incorrect advantage; if those below the bridge have any advantage beyond that of those above it, if their rents are higher, so was the price which they paid; and it is probable that the rent above and below will, ere long, if it does not now, bear a fair proportion to the respective prices paid by the owners.

Let us in the next place inquire, what is the benefit to be gained, for the acquisition of which it is proposed to sever a great public road. It is said, that the trade of the Schuylkill is daily becoming more and more important, and that in a short time both shores of the river will be required for its introduction and use. In this, to a certain extent, your committee concur, but they do not admit, that, at any time, such extensive shores will be lined with vessels with masts, or that such extensive shores are necessary to the accommodation of such vessels. The whole extent of both shores, from the upper bridge to the southern boundary of the city, is about seventeen thousand feet; more than thrice as great as the whole shipping front of the city of Philadelphia on the Delaware. Now it cannot be seriously said, that the shores of the Schuylkill will be in greater requisition than the front of Philadelphia in its greatest prosperity. It surely will be admitted, that the shores of the Schuylkill, below High street, seven thousand feet in extent, will be adequate to the accommodation of all vessels with masts, that can ascend the Schuylkill for its trade, when it is recollected, that the front for all the trade of the city on the Delaware is but five thousand three hundred and eighteen feet.

Yet, one would suppose, from what is said on the subject, that, unless the legislature break up the great avenue to the city, or in other words, unless vessels with masts

pass above the bridge, the trade of the Schuylkill will be checked; but nothing is more visionary than such an apprehension; the trade of the Schuylkill does not rest upon so slender a basis; its greatness cannot be abridged or enlarged by the diminution or addition of wharves; the trade is great, because the Schuylkill is the lap, into which canals pour the agricultural and mineral wealth of the interior of this great state; that wealth will be poured out, to the benefit of the state and its metropolis, if a wharf should not exist above High street. It is true, it would, in a limited degree, be useful, if vessels with masts could proceed above High street, but the public benefit of such a state of things is utterly unequal to the mischief that would result from the means proposed to effect it; it does not follow, that, because vessels with masts shall not ascend above High street, the produce of the Schuylkill will have no market; it does not follow, if such vessels shall not ascend, that improvement, trade, and population, on the Schuylkill north of High street, will not exist; all those evidences of public prosperity are not dependent upon such a contingency, they exist where a sail is never seen or an anchor weighed. So that, as to the public, no fears can exist, and thus we reach the only inconvenience that really can be apprehended; namely, that *the owners of lots above the bridge will not at once realize rents as high as those rents would be, if vessels with masts could lie at their wharves.* We admit that this is an inconvenience, but we have suggested that it was one, which, on the purchase, must have been foreseen; and we will add, that this state of things is not peculiar; there is no new road made, or work erected, which does not change the relative state of some portion of our citizens; it is not practicable to put all persons or places upon an equality.

That your committee take an extended, and not a limit-

ed, or local view of this question, must be obvious, from the fact, that they have not yet spoken of the interest which the city has in the prosperity of the Schuylkill margin, above High street. The City of Philadelphia has a front, from High to Vine street, of two thousand one hundred and fifty feet; it is her interest, that improvement, trade, and population, shall spread along that margin. It will not be believed, that your committee heedlessly overlook these considerations, or that they are not anxious for the welfare of their constituents. They are fully aware of the stake which the city has, but they deem the deprivation of access, by vessels with masts, as an inconvenience that is trivial, when contrasted with the consequences that would result from the proposed canal. The property above the bridge, must, from necessity, advance in value and usefulness; it needs no stimulant; it constitutes a valuable part of the basin into which vast agricultural and mineral wealth is daily poured. Time, not remote, will bring it into activity; but to hasten the arrival of that time, your committee trust, that the legislature will not jeopardise greater interests elsewhere.

Your committee, therefore, report, as the unanimous opinion of the undersigned, that the interference of the Select and Common Councils, on the question herein considered, is necessary. They believe that the public advantage anticipated by its friends, would not be realized from the passage of the bill, and that the private inconvenience, foreboded to individuals, from its rejection, are in a great measure imaginary: such is the great and growing prosperity of the state and of its commercial metropolis, that every part of that metropolis must advance in improvement, value, and ornament.

Under this impression, your committee respectfully submit the following resolution :—

Resolved, By the Select and Common Councils of the City of Philadelphia, that the senators and representatives of the City of Philadelphia, in the Legislature of Pennsylvania, be requested to use all proper means to prevent the passage of the bill No. 117 on the files of the House of Representatives, entitled "an act to authorize the governor to incorporate a company to make a canal navigation round the western abutment of the Permanent Bridge over the River Schuylkill at the City of Philadelphia."

W. J. DUANE,
CHARLES MASSEY,
CHARLES JOHNSON,
ISAAC WAINWRIGHT,
LEWIS RYAN.

February 24th, 1831.